

Public Law 22 - 84th Congress
Chapter 23 - 1st Session
H. R. 4941

AN ACT

To amend the Foreign Service Act of 1946, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Act Amendments of 1955".

SEC. 2. Section 413 of the Foreign Service Act of 1946, as amended, is amended to read as follows:

"SEC. 413. A person appointed as a Foreign Service officer shall receive basic salary at one of the rates of the class to which he is appointed which the Secretary shall, taking into consideration his age, qualifications, and experience, determine to be appropriate for him to receive."

SEC. 3. Section 443 of such Act is amended to read as follows:

"SEC. 443. The President may, under such regulations as he may prescribe, establish rates of salary differential, not exceeding 25 per centum of basic salary, for Foreign Service officers, Reserve officers, and staff officers and employees assigned to posts involving extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions. The Secretary shall prepare and maintain a list of such posts."

SEC. 4. Section 517 of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "A person who has not served in class 6 shall not be eligible for appointment as a Foreign Service officer of classes 1 to 5, inclusive, unless he has passed comprehensive mental and physical examinations prescribed by the Board of Examiners for the Foreign Service to determine his fitness and aptitude for the work of the Service; demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution; and rendered at least four years of actual service prior to appointment in a position of responsibility in the service of a Government agency, or agencies, except that, if he has reached the age of thirty-one years, the requirement as to service may be reduced to three years. After the date of enactment of the Foreign Service Act Amendments of 1955 and until otherwise provided by Act of Congress, not more than one thousand two hundred and fifty persons who have not served in class 6 may be appointed to classes 1 to 5, inclusive; of such persons, not more than forty may be appointed who were not employed on March 1, 1955, in the Department, including its Foreign Service Reserve and Foreign Service Staff personnel, and who have not also served in a position of responsibility in the Department, or the Service, or both, for the required period prior to appointment."

SEC. 5. Section 522 of such Act is amended by striking out in paragraphs (1) and (2) the word "four" wherever it appears therein and inserting the word "five" in lieu thereof; and by striking out in paragraph (1) the phrase "of a specialized character".

SEC. 6. (a) Section 571 (a) of such Act is amended to read as follows:

"SEC. 571. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years."

(b) Section 571 is further amended by adding at the end thereof a new subsection (e) which shall read as follows:

Foreign Service Act Amendments of 1955.
60 Stat. 1003.
22 USC 868.

Appointive salary.

22 USC 888.
Salary differential.

69 Stat. 24.
69 Stat. 25.

22 USC 912.
Classes 1-5.
Admission.

22 USC 922.
Reserve officers.
Appointments.

22 USC 961.

Detail to Gov't. agency.

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Salary appro-
priation.

"(e) The salary of an officer or employee assigned pursuant to the terms of this section shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service. Such appropriations may be reimbursed, however, when the Secretary enters into reimbursement agreements with heads of Government agencies for all or any part of the salaries of officers or employees assigned to such agencies and payment is received pursuant thereto, or when an officer or employee of the Service is assigned to a position the salary of which is payable from other funds available to the Department."

Repeals.
22 USC 1003,
1004.

SEC. 7. Sections 633 and 634 of such Act, and the headings thereto under "Part D", are hereby repealed and the following headings and sections are hereby enacted in lieu thereof:

"SELECTION-OUT

"SEC. 633. (a) The Secretary shall prescribe regulations concerning—

69 Stat. 25.
69 Stat. 26.

"(1) the maximum period during which any Foreign Service officer below the class of career minister shall be permitted to remain in class without promotion; and

"(2) the standard of performance which any such officer must maintain to remain in the Service.

"(b) Any Foreign Service officer below the class of career minister who does not receive a promotion to a higher class within the specified period or who fails to meet the standard of performance required of officers of his class shall be retired from the Service and receive benefits in accordance with the provisions of section 634.

"SELECTION-OUT BENEFITS

22 USC 1076.

"SEC. 634. (a) Any Foreign Service officer in classes 1, 2, or 3 who is retired from the Service in accordance with the provisions of section 633 shall receive retirement benefits in accordance with the provisions of section 821.

"(b) Any Foreign Service officer in classes 4 or 5 who is retired from the Service in accordance with the provisions of section 633 shall receive—

"(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, in three equal installments on the 1st day of January following the officer's retirement and on the two anniversaries of this date immediately following; and

22 USC 1076.

22 USC 1082.

"(2) a refund of the contributions made to the Foreign Service Retirement and Disability Fund, with interest thereon at 4 per centum, compounded annually, except that in lieu of such refund such officer may elect to receive retirement benefits on reaching the age of sixty-two, in accordance with the provisions of section 821. In the event that an officer who was separated from class 4 and who has elected to receive retirement benefits dies before reaching the age of sixty-two, his death shall be considered a death in service within the meaning of section 832. In the event that an officer who was separated from class 5 and who has elected to receive retirement benefits dies before reaching the age of sixty-two, the total amount of his contributions made to the Foreign Service Retirement and Disability Fund, with interest

thereon at 4 per centum, compounded annually, shall be paid in accordance with the provisions of section 841. 22 USC 1086.

"(c) Notwithstanding the provisions of section 3477 of the Revised Statutes, as amended (31 U. S. C. 203) or the provisions of any other law, a Foreign Service officer who is retired in accordance with the provisions of section 633 shall have the right to assign to any person or corporation the whole or any part of the benefits receivable by him pursuant to paragraph (b) (1) of this section. Any such assignment shall be on a form approved by the Secretary of the Treasury and a copy thereof shall be deposited with the Secretary of the Treasury by the officer executing the assignment."

Sec. 8 (a) Section 852 (a) (2) of such Act is amended by inserting "Air Force," after "Marine Corps," 22 USC 1092.

(b) Section 852 (b) of such Act is amended by deleting the period at the end of the first sentence thereof and adding the following: "except that no special contributions shall be required for periods of active military or naval service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States prior to becoming a participant."

(c) A special contribution to the Foreign Service Retirement and Disability Fund made by any participant on or after April 1, 1948 for the purpose of obtaining service credit in accordance with the provisions of section 852 (a) (2) of the Foreign Service Act of 1946 for periods of active military or naval service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States shall be refunded. Such refund shall not include any interest covering the period such special contribution, or any part thereof, was on deposit in the fund. 69 Stat. 26.
69 Stat. 27.

Sec. 9. (a) Section 853 of such Act is amended by striking out the period at the end of the first sentence thereof and adding the following clause: "but no such extra credit for service at such unhealthful posts shall be credited to any participant who shall have been paid a salary differential in accordance with section 443, as amended, for such service performed subsequent to the date of enactment of the Foreign Service Act Amendments of 1955." Ante, p. 24. 22 USC 1093.

(b) Section 853 is further amended by striking out the last sentence of that section.

Sec. 10. (a) Section 901 (2) of such Act is amended by striking out the phrase "his post of assignment" at the end of paragraph (ii) of that section and substituting in lieu thereof the phrase "any post of assignment abroad or at a post of assignment in the continental United States between assignments to posts abroad". 22 USC 1131.

(b) Section 901 (2) is further amended by adding at the end thereof a new paragraph (iv) which shall read as follows:

"(iv) that extraordinary and necessary expenses, not otherwise compensated for, must be incurred by an officer or employee of the Service, by reason of his service abroad, in providing for adequate elementary and secondary education for his dependents; allowances under this subparagraph for any post shall not exceed the cost of obtaining such educational services as are ordinarily provided without charge by the public schools of the United States plus, in those cases where adequate schools are not available at the post, board and room, and periodic transportation between the post and the nearest locality where adequate schools are available; if any such officer or employee employs a less expensive method of providing such education, any allowance paid to him shall be reduced accordingly; no allowance shall be paid under this subparagraph for a dependent for whom a travel allowance has been paid under section 911 (9) :". Education for dependents.

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22 USC 1136.

SEC. 11. Section 911 of such Act is amended by changing the period in paragraph (8) to a semicolon and by adding at the end of the section the following new paragraph:

"(9) the travel expenses incurred by an officer or employee of the Service who is assigned to a foreign post, in transporting dependents to and from United States ports of entry designated by the Secretary, to obtain an American secondary or college education, not to exceed one trip each way for each dependent for the purpose of obtaining each type of education."

22 USC 1158.

SEC. 12. Section 943 of such Act is amended by adding the phrase ", and their dependents" after the words "United States" and before the comma, and again at the end of the section immediately before the period.

22 USC 882,
1064, 1104.

SEC. 13. Sections 432 (c), 804, and 864 of such Act are amended respectively as follows:

(1) Section 432 (c) is amended by striking out the phrase "or 634" in the third sentence thereof.

(2) Section 804 is amended by striking out "633,".

69 Stat. 27.

69 Stat. 28.

(3) Section 864 is amended by striking out "634 (b)" at the end of the section and inserting "634 (c)" in lieu thereof.

Rules and
regulations.

SEC. 14. Notwithstanding the provisions of this Act, existing rules, regulations of or applicable to the Foreign Service of the United States shall remain in effect until revoked or rescinded or until modified or superseded by regulations made in accordance with the provisions of this Act, unless clearly inconsistent with the provisions of this Act.

Approved April 5, 1955.